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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION**

**MEMORY INTEGRITY, LLC,**

Case No. 3:15-cv-00262-SI

Plaintiff,

**DEFENDANT INTEL CORPORATION'S  
NOTICE OF SUPPLEMENTAL  
EVIDENCE REGARDING CLAIM  
CONSTRUCTION**

v.

**INTEL CORPORATION,**

Defendant.

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**INTEL CORPORATION'S NOTICE OF SUPPLEMENTAL EVIDENCE REGARDING  
CLAIM CONSTRUCTION**

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## **LR 7-1 COMPLIANCE**

Pursuant to LR 7-1, the parties have met and conferred regarding this Notice of Supplemental Evidence. During the meet and confer, Intel proposed that both sides have the opportunity to file short notices of supplemental evidence without argument in light of the October 30, 2015 deposition of Mr. David Glasco, a named inventor on all five asserted patents. MI opposes this submission and has refused Intel's offer to allow MI to file a similar notice of supplemental evidence without argument. MI instead has indicated that it will seek to file an additional claim construction brief with additional argument, which Intel opposes.

### **I. INTRODUCTION**

Claim construction briefing in this case was completed on October 28, 2015. (*See* Dkt. 87 [Scheduling Order].) However, David Glasco, one of the named inventors on all five of the asserted patents, was not available for deposition until two days later, on October 30. Intel took Mr. Glasco's deposition on October 30, and Mr. Glasco gave testimony that is relevant to several claim construction disputes between the parties. Intel respectfully submits this notice of supplemental evidence to bring this testimony to the Court's attention.

### **III. DISCUSSION**

Mr. Glasco's deposition testimony is relevant to the parties' disputes with respect to several claim terms, including: (A) "a cache access request" and (B) the "remote protocol engine" / "local protocol engine" / "one of" terms.<sup>1</sup>

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<sup>1</sup> As discussed in Intel's opening and reply claim construction briefs (Dkt. 134 [Intel Opening Br.] at 20-21; Dkt. 151 [Intel Corr. Reply Br.] at 14), inventor testimony can be relevant to claim construction.

**A. “A Cache Access Request” (’409 Patent and ’636 Patent)**

Consistent with Intel’s proposed construction of “a cache access request,” and Intel’s briefing on this claim term (*see* Dkt. 134 [Intel Opening Br.] at 24-26; Dkt. 151 [Intel Corr. Reply Br.] at 19-20), Mr. Glasco testified that a “cache access request” is different from a “probe”:

Q. Now, the patents describe the timing of sending and receiving probes and cache access request right?

A. Right.

[Objection]

Q. Is a probe the same as or different from a cache access request?

[Objection]

A. It’s different.

\* \* \*

Q. Okay. They’re not the same, correct?

A. Correct.

(Ex. 1 [Glasco Dep. Tr.] at 93:23-94:20.<sup>2</sup>)

**B. “Remote Protocol Engine” / “Local Protocol Engine” / “One of” (’206 Patent and ’254 Patent)**

Consistent with Intel’s proposed construction of the “remote protocol engine” / “local protocol engine” / “one of” terms (*see* Dkt. 134, at 52-65; Dkt. 151, at 45-56), Mr. Glasco testified that the protocol engines of his invention process transactions targeting local or remote memory, but not both:

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<sup>2</sup> “Ex. 1” refers to the exhibit attached to the Declaration of Arthur W. Coviello in Support of Intel Corporation’s Notice of Supplemental Evidence Regarding Claim Construction.

Q. Would you agree that the remote protocol engines of the your 206 and 254 inventions handled transactions which targeted remote, as opposed to local, memory?

[Objection]

A. Yes, given the definition of our remote protocol engines.

Q. So the remote protocol engines that you came up with handled only remote memory transactions, right?

A. Correct.

[Objection]

Q. And would you agree that the [local] protocol engines of your 206 and 254 inventions handled transactions which targeted local, as opposed to remote, memory?

A. Yes.

\* \* \*

Q. So the local protocol engines of your idea handled only local memory transactions, correct?

A. That was the design, yes.

\* \* \*

Q. And so we could agree that in the system that is described in your 206, 254 patents, one protocol engine does not handle both remote and local memory transactions, right?

A. Right. The remote protocol engines and the local protocol engines do not process both protocol flows.

(Ex. 1 at 76:19-78:22.)

DATED this 9th day of December 2015.

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